UNIVERSITY GUARDIAN

Vol. 3, No. 4 — Publication of the University Council-American Federation of Teachers — WALLER PRESS 102 — March 1974

Dollar Decline Hits UC Faculty AFT Demands Higher Salaries

The AFT called upon the Regents of the University of California to recommend at least a 8.8 percent cost of living increase to faculty and academic staff for 1974-75. In a letter to President Charles Hitch and the Regents, the University Council proposed that the University make the following salary recommendations to the Governor and the Legislature:

1. A salary increase averaging 8.8 percent for all faculty and academic employees.

2. The salary increase shall be an equal dollar amount for each faculty member and academic employee in order to offset the greater inflationary impact on lower income staff.

Dr. Spencer Olin of UC Irvine and President of the AFT University Council pointed out that the cost of living went up 8.8 percent in 1973 and it is expected that inflation will increase by at least the same amount in 1974.

The 4.73 percent that the Regents recommended last October for 1974-75 is only about half of the expected rise in the Consumer Price Index (CPI).

Real Earnings Decline

In July 1973, UC faculty and academic staff received a 5.4 percent pay raise for 1973-74. However, by January 1974 the cost of living has completely eaten up that increase. Therefore, UC staff will experience a substantial decrease in real earnings in the first half of 1974.

"If UC faculty do not get a reasonable cost of living raise this coming year," according to Professor Olin, "we will suffer at least a 10 percent decline in real salaries over a two year period."

The Regents' recommendation of 4.73 percent will give UC academics the smallest pay increase of any group of state employees. Last month the Trustees of the California State University and Colleges recommended an 8.8 percent increase to the Legislature.

The CSUC abandoned the traditional practice of basing the pay recommendation on a survey of salaries paid in recent years to a comparison group of colleges and universities. The Trustees accepted the arguments of union and Academic Senate leaders that the comparison group formula is grossly inequitable in an inflationary period.

Outmoded Formula

Under this formula, which is used at both UC and CSUC, pay and fringe benefit recommendations for the coming year are based on the average increase in the respective comparison groups over a previous 5 year period. However, at the time the recommendation is made in the fall of the year, it is necessary to project an estimate of salaries in the comparison s hools for the most recent two years. As a result, salary data going back to 1967-68 is used in developing recommendations for 1974-75.

Thus, in a period of sharply rising CPI, there is a marked downward bias in the procedure for projecting salaries since the period of greatest rise in the cost of living is excluded.

Since 1969, a major loss of purchasing power for UC faculty has occurred. The cost of living has gone up about twice as fast as average salaries for UC associate and full professors. Between July 1969 and June 1974, the CPI will have increased by about 33 percent. During this same period, average salaries for professors increased by 16.8 percent; associate professors, 17.1 percent and assistant professors, 21.4 percent.

"Therefore, an 8.8 percent increase," Professor Olin pointed out, "is extremely modest. It is, after all, just based on last year's CPI increase. There is still a long way to go to regain the earning power we had in 1969."

A further measure of the decline in real salaries is reported by the Joint Economic Committee of the U.S. Congress. A staff study, "Inflation and the Consumer in 1973," released on January 14, 1974 took into account higher Social Security and income tax payments. It pointed out that a family of 4 with $11,446 income in Fall 1972 needed $12,614 or 10.2 percent more income in Fall 1973 to maintain 1972 living standards in 1973. While a family of 4 making $16,558 in Fall 1972 needed $18,130 or 9.5 percent more in Fall 1973.

A Political Deal?

The AFT President criticized President Hitch's failure to recommend a higher pay raise. UC was aware that the old comparison group formula would perpetuate the decline in real earnings. There were recommendations by economists on the UC staff and at the Coordinating Council for Higher Education to modify the formula in order to give some consideration to the ex-

(Continued on Page 8)

ANNUAL BUDGET COSTS OF LIVING FOR A 4-PERSON FAMILY: AUTUMN 1972-73

Family and item	Autumn budget, 1972	Budget dollar increase, 1971–72	Percent budget dollar increase, 1971–72	Percent share of budget, 1972	Autumn budget, 1973	Budget[1] dollar increase, 1972–73	Percent budget dollar increase, 1972–73	Percent share of budget, 1973
Intermediate budget:								
Food	2,673	141	5.6	23.4	3,175	502	18.8	25.2
Housing	2,810	172	6.5	24.6	2,975	165	5.9	23.6
Transportation	979	15	1.6	8.6	1,009	30	3.1	8.0
Clothing and personal care	1,217	22	1.8	10.6	1,274	57	4.7	10.1
Medical care	632	20	3.3	5.5	664	32	5.0	5.3
Other consumption	702	18	2.6	6.1	757	55	7.9	6.0
Total consumption	9,013	387	4.5	78.7	9,854	841	9.3	78.0
Other items	576	16	2.9	5.0	622	46	7.9	4.9
Social security	482	63	15.0	4.2	632	150	31.1	5.0
Personal income taxes	1,375	9	0.7	12.0	1,506	131	9.5	11.9
Total budget	11,446	475	4.3	100.0	12,614	1,168	10.3	100.0
Higher budget:								
Food	3,370	172	5.4	20.4	4,004	634	18.8	22.1
Housing	4,234	254	6.4	25.6	4,484	250	5.9	24.8
Transportation	1,270	20	1.6	7.7	1,309	39	3.1	7.2
Clothing and personal care	1,770	30	1.7	10.7	1,853	83	4.7	10.1
Medical care	659	21	3.3	4.0	692	33	5.0	3.8
Other consumption	1,159	30	2.7	7.0	1,251	92	7.9	6.9
Total consumption	12,462	527	4.4	75.3	13,593	1,131	9.1	74.9
Other items	967	30	3.2	5.8	1,043	76	7.9	5.8
Social security	482	63	15.0	2.9	632	150	31.1	3.5
Personal income taxes	2,647	33	1.3	16.0	2,862	215	8.1	15.8
Total budget	16,558	653	4.1	100.0	18,130	1,572	9.5	100.0

[1] Autumn 1973 budget dollar increases are calculated on the basis of Consumer Price Index percent changes from October 1972 to October 1973.

[2] Social security payment increases are projected historical growth due to income changes plus the increase in individual tax rate from 5.25 to 5.85 (January 1973), and the increase in the maximum base on which the tax is computed from $9,000 to $10,800.

[3] Personal income tax changes are estimated on the basis of the historical average for 1972 projected to 1973. It is assumed that income changes for 1973 are equal to budget changes, with income tax levels initially held to 1972 levels, then adjusted higher so that income taxes continue to be the same proportion of the budget as they were in 1972. The resulting 1973 change in income tax payments has a variability of a few dollars as a result of the procedure.

SOURCE: U.S. Congress, Joint Economic Committee; U.S. Bureau of Labor Statistics.

ON THE INSIDE

AAUP Rejects Limited Tenure.....p. 2
Secret Regent Tenure Policy.....p. 3
Hitch Slows Down Tenure Attack.....p. 3
Teacher Evaluation.....p. 4
Berkeley Senate Backs Platt.....p. 5
Tuition Threat to Higher Education..p. 6
Affirmative Action Whitewash.....p. 7

Hitch Backs Off Gag Rule

Right to Lobby Threatened

UC Davis Executive Vice Chancellor Elmer W. Learn announced on March 1, 1974 the withdrawal of restrictions on the rights of University employees to communicate with public officials, pending review by President Hitch's office of University policy on lobbying by UC employees.

The American Federation of Teachers local 2023 had protested to legislators a UCD directive which regulated communications between UC staff and government officials. In part, the directive provided:

Meetings of staff members with federal or state officials in regard to specific programs which do not, or do not appear to involve official representation of the university shall be reported by the staff member to the president.

The AFT charged that UCD policy seeks to "discourage, and indeed, intimidate university employees from communicating with members of the legislature, even when acting in an unofficial capacity as citizens and as representatives of employee organizations . . ." The union held that such restrictions were unconstitutional.

Constitutional Rights

At the first hearing on the UC budget before the Assembly Ways and Means Subcommittee on Education on March 6, 1974, President Charles Hitch admitted under questioning that the directive was a "clear violation of constitutional rights" and announced that he had directed Chancelor James H. Meyer to change it.

Learn announced that the UC Davis policy statement which was only issued on December 1, 1973 would be replaced by the old policy in the May 4, 1970 directive by President Hitch. This was only an interim move, Learn stated, since the President's office is undertaking a review of the University's policy on communicating with government officials.

The UC Davis statement, however, is in all important respects identical to the May 1970 University policy with the exception of the previously quoted paragraph. Both have the statement:

Individual members or groups of members of the staff shall scrupulously avoid lobbying or giving the appearance of lobbying, for the purpose of furthering the particular interests of any individual member, department, campus, or other unit of the University.

(Continued on Page 8)

AFT Section 52 Suit to Uphold Merit Promotions

The AFT suit challenging the revision of the UC faculty promotion policies went to trial in Alameda County Superior Court on February 15 and March 12, 1974.

Section 52 of the Academic Personnel Manual, revised on February 1, 1973, introduced important changes in faculty promotion policies. The most significant was the erosion of the merit criteria for retention and promotion of assistant professors.

Under the new policy, faculty members who met the University's standards of merit and excellence could nonetheless be denied tenure and terminated because of "fiscal or programmatic considerations." The new criteria and the lack of due process procedures led the AFT and many Senate leaders to view the changes as creating a "revolving door" at UC whereby junior faculty could be terminated without regard to merit.

In the suit the AFT petitioned for a writ of mandate directing UC to set aside the final revised version of Section 52 issued February 1, 1973.

The suit was also filed by two Assistant Professors, Arthur Lipow, UCD Sociology and John Leonard, UCSD History as individuals adversely affected by the changes. The court was asked to restore them to their status prior to the revision of Section 52. Professor Leonard was terminated in June 1973 because of programmatic changes in the UCSD History Department.

Effect on Tenured Faculty

Spencer Olin, UC-AFT President stated: "If the suit is successful it will give the appropriate Senate committees and divisional Senates an opportunity for a thorough review and discussion of promotion

(Continued on Page 8)

AAUP Rejects Limited Tenure

The UNIVERSITY GUARDIAN *is reprinting in its entirety a statement on the scope of tenure recently adopted by the University of California Council of AAUP chapters because it is an important statement of vital concern to all University of California Faculty.*

STATEMENT BY THE UNIVERSITY OF CALIFORNIA COUNCIL OF THE AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS ON THE SCOPE OF TENURE WITHIN THE UNIVERSITY

February 8, 1974

On June 12, 1973, Regents' General Counsel Thomas Cunningham issued an opinion on the scope of tenure within the University of California. Its major finding was that tenure rights are limited to the campus of appointment. In other words, the University is not legally bound to provide tenure faculty whom it is forced to release from one campus because of financial exigency, declining enrollments, or change in academic program with comparable appointments elsewhere in the University.

The University administration has made clear that it intends simply to make General Counsel's opinion the policy of the University. In a draft statement by the President dated November 21, there occurs the sentence: *I wish it to be understood by all that the University administration will follow the principle that the tenure rights or security of employment rights of faculty members holding appointments with tenure or security of employment are limited to the campus of appointment.*

In general, the University administration has given the impression, in its pronouncements on this matter, that it has no choice but to act in light of the legal constraints of which it has been apprised by its Counsel, and that to act otherwise would be to flout those restraints. That would settle the matter, and preempt the kind of free discussion of policy options which would be possible if it were not bound by the law. Indeed, only on this basis could it justify so abrupt a determination of a major policy issue without any preceding discussion of policy with the faculty of the University.

Tenure, as the major protection of academic freedom, is a matter of great concern to the American Association of University Professors; and a number of policy statements promulgated by the Association concern themselves with different aspects of the nature and process of the award of tenure. Since it is a major policy issue for any institution, the Association takes note of and is concerned with the procedures by which institutional policy is set. Because of these concerns we fell it necessary to issue a statement commenting on General Counsel's opinion and on the administration's actions in relation to that opinion. We believe that there are at least four fundamental objections to this whole series of events, any of which by itself would have been sufficient to undermine the validity of the conclusion reached by the University administration.

1. THE FORM OF THE OPINION

Before we analyse the substance of Counsel's argument, we wish to point out that the kind of opinion which he has given is in principle inappropriate. There are two kinds of opinion which Counsel can be called on to submit to a client: an analysis, or a brief.

A *brief* is written when a client's stance is predetermined by his position in litigation: his Counsel then gives argument to back his position, the case *for* him, and naturally does not advance a balanced account of the law on a given point including reasons why his client's position may not prevail.

An *analysis* of the law relating to a given issue would have an altogether different character: it would go into all sides of the issue, and give an exposition of various factors which point in different directions. In a relatively uncharted and unclear area of the law, as this one is, it would surely go into the factors which could move the courts in one direction, and then into other factors which might produce an opposite result. A brief argues for a given result; an analysis would analyze various possible results and the factors relating to them.

It is evident that the situation called for an analysis of a complex and unclear area of the law; instead, Counsel has given us a brief, though a very unconvincing one, which argues for a particular position. He has reponded not to the question: What can be said about the law on the subject of tenure at UC? — but instead to the quite different question: How can the University argue the case that tenure is limited to the campus?

It might have been possible to conclude that the predominant weight of legal considerations would point to a likely result in the courts. It is, on the other hand, absolutely impossible to pretend that there are not factors which point in both directions, and Counsel owed us an analysis of the case that could have been made in both directions.

So compelling was Counsel's desire to argue for a predetermined position, rather than to analyze the law, that he strayed from the law to conclude his opinion by an argument that was unashamedly a *policy* argument — the kind of argument that was in effect quite outside his concern and his competence. Counsel's opinion, then, is *not* the analysis of the law which was required, but a brief for a predetermined position — whether one of his own or one of the administration's devising.

2. THE SUBSTANCE OF THE OPINION

Counsel's actual argumentation is flimsy and largely irrelevant. His opinion covers a mere five pages. But of these, page two is devoted to showing that tenured appointments may be interrupted in case of financial exigency, which even if true is irrelevant to the thesis that tenure is limited to the campus of appointment; page five is not concerned with law at all, but only with the fact that a *policy* recommendation of a recent study is identical with Counsel's view of the legal limitation of tenure to a particular campus; and page one also contains no argument on Counsel's main thesis.

Only two pages are devoted to this complex legal issue, and those two pages contain two very slender arguments:

(i).
That tenure appointments and promotions are initiated on a campus, and service performed on a campus, rather than university-wide.

(ii).
That the California Public School Tenure Laws contain explicit recognition that tenure is with the School Board, not with a particular school, there being no similar provision in the case of the University of California.

The first point, even if allowed to stand unquestioned, is scarcely strong support for Counsel's opinion. But worse still, it can as convincingly be argued the other way: no campus has authority to make tenure appointments or promotions, or to dismiss from tenure. Legal authority over tenure is solely in the hands of the President and the Regents. It is not necessarily convincing when argued in that way either: it is both a slender and an unclear argument.

Had Counsel not been so concerned to find supporting arguments for a predetermined position, he would surely have had to concede that this argument could *at best* do no more than make one conclusion somewhat more likely than another; to argue, as he does, that this is a conclusive argument is to show again that he has no interest in analyzing the law, but only in supporting a desired result.

Again, had he been concerned to analyze all the implications of tenure rules within the university, he could not have missed the fact that time served on one campus is counted when tenure is to be awarded on another: the limit of eight years on non-tenured service is thus not a limit on non-tenured years on a campus, but on non-tenured years in the university. Tenure is thus gained after a given number of years of service to the *University*.

A court might well conclude from this that tenure is earned in the university, not on a given campus. The courts might be influenced too by the fact that criteria for tenure are agreed university-wide, not campus-wide; and by the fact that, since individual budgets are intertwined in the general university budget, any demonstration of financial exigency which might be used to justify the removal of tenured faculty from their positions would have to be a university-wide demonstration. To mention these factors is not to argue that tenure is in fact necessarily university-wide — to argue that would be precisely to make General Counsel's mistake.

As to the second point, the absence of explicit tenure laws proves nothing except that the case is not easy to decide one way or the other. It shows that a simple statutory answer does not exist, but *not* that, since *one* simple statutory answer does not exist, we must assume its opposite.

To make this point clearer, suppose that the statute relating to schools were amended to require that tenure was now to be in a particular school. Counsel's reasoning would require us then to assume that tenure in the University was now University-wide, since there was no statute explicitly making it campus-bound. The schools' statute makes clear what would otherwise not be, and what in the case of the University is unclear — it does *not* suddenly make the University's case an opposite one simply because of the absence of a comparable statute or rule.

3. THE SCOPE OF THE OPINION

We believe that General Counsel has largely avoided the most relevant areas of the law. He ought to have analyzed and discussed at least the following:

(i).
Civil service cases in which an employee with security in one department attempted to claim the next vacancy for a comparably qualified person in another department of government after his own department had been closed down. These are in many ways comparable cases involving the government as employer and the scope of its guarantee of job security. They might provide some indication of how the courts would treat cases in the university.

(ii).
Cases in school systems where there are no explicit tenure laws requiring that tenure be with the school district rather than with particular schools.

(iii).
Cases such as those recently before the Supreme Court, which, while they do not bear directly on this issue, have tended to establish that there are general legal constraints upon the government as employer which impinge on matters of tenure and which may be independent of the institution's own tenure rules. This would seriously affect the sufficiency of Counsel's assertion that *"within this university, tenure is rule made, rather than contractual in origin;"* after the Supreme Court rulings, it has become clear that constitutional issues may be present in tenure cases, and it is most surprising that Counsel ignored those issues.

(iv).
The only situations which might be regarded as "precedents" in the University, namely, those which gave rise to the inception of the Davis and Riverside campuses, and in which faculty from the Berkeley and Los Angeles campuses moved or were moved to the new units.

It was essential, to produce a meaningful analysis, to have dealt with these four important sources of material bearing on Counsel's thesis. He avoids all four and pursues instead two irrelevant points; and it is easy to see that had he confronted these areas his brief for a predetermined position would have been forced to become the more complex analysis of diverse factors that the situation demanded.

4. THE LAW AND UNIVERSITY POLICY

Even if, contrary to our arguments so far, Counsel had produced an opinion that was a) competently argued, b) explored relevant areas of the law, and c) was an analysis of the law rather than a defense of the predetermined position, there would still remain a gap between a statement of the exigencies of the law, on the one hand, and the determination of university policy, on the other.

The university administration has spoken as if we have no choice but to accept the position which university Counsel has determined to be the law on this matter. But this is evidently untrue. It is true that we may not violate the law, or fall below its minimum conditions, but it would be impossible to suppose that going beyond that minimum is illegal or undesirable, or, more importantly, that we have not made a *policy* decision if we elect to reduce policy to those minimum conditions.

Whether or not Counsel's view of the law is correct, the implementation of his legal thesis as University *policy* is fully a policy decision, and as a major change in policy required full and frank discussion with the Senate. Such full discussions must entail much more than inviting rapid comment on a draft statement which accepts General Counsel's opinion as university policy.

This important matter requires full discussion of a range of possible options, to be sure noting General Counsel's opinion of the legal minimum protection of tenure, but without the participants feeling bound to take that opinion as the central element in the discussion, indeed the almost unavoidable conclusion, which the university administration takes it to be.

President Hitch's previous pronouncements on this issue clearly indicated that he did not assume tenure to be limited to a campus. A change of view by the administration is a change of policy; nothing, not even an *adequate* legal opinion, could justify an abrupt change of policy on a major issue without serious consultations with the faculty.

The Association, in one of its major policy statements *("Government of Colleges and Universities")* has stressed the need for joint faculty/ administration action in matters of academic policy. UC-AAUP is concerned that the University administration has on several occasions appeared reluctant to engage in full and frank policy discussions with the faculty Senate.

Major changes in Section 52 of the Administrative Manual were introduced without full discussions and with the claim that they were rather trivial "housekeeping" changes; but this claim clashed oddly with subsequent events, for when faculty groups wished to discuss the changes, it then appeared that they were on the contrary so important that it was vital to implement them without further delay.

A weighty volume entitled the "Academic Plan" of the University is now being widely circulated for faculty discussion and comment, but it has been widely regarded y the faculty as vacuous and platitudinous; there is little in it to discuss.

Meanwhile major planning changes in the distribution of resources to the nine campuses (and so a change in the entire concept of the nine-campus University) had been implied in a draft budget to be submitted to the Regents, and the faculty had to learn for the first time through their daily newspapers of these farreaching policy changes, introduced during the summer, while wide discussion was not possible even if it had been requested. Again, important changes had emerged in the guise of annual housekeeping technicalities.

It is this background that we have in mind in urging that this not become another case in which full policy discussions of a major policy issue are again avoided by an insistence that this is a purely "technical" matter, a question of Counsel's diagnosis of legal niceties beyond our control.

We believe that the draft of November 21 should be withdrawn and discussions begun. Meanwhile, it would help (though not determine the outcome) to commission a serious and competent legal analysis of the status of tenure.

Hitch Slows Down Attack on Tenure

President Charles J. Hitch will not issue the November 21, 1973 proposed statement on tenure (see UNIVERSITY GUARDIAN, Jan. 1974). Vice President Angus E. Taylor on Jan. 30, 1974 informed UC-AFT President Spencer C. Olin Jr. UCI History, that upon the advice of the chancellors and the Academic Council, "the President decided not to issue the statement," originally proposed for publication in the UNIVERSITY BULLETIN.

Taylor did not make clear, however, whether the policy proposed in the Hitch tenure statement, to permit the University to fire tenured staff for programmatic and budgetary reasons, has actually been withdrawn.

AFT President Olin requested on February 7, 1974 a meeting with University representatives to discuss University policy. Olin wrote Vice President Taylor: "I believe that further clarification is needed in view of the great apprehension among faculty caused by the President's view that tenured faculty may be dismissed for budgetary reasons or programmatic changes."

The decision not to publish a formal statement of a new tenure policy may simply be a tactical move to disarm faculty opposition, Olin believes. In view of the widespread opposition to the Hitch statement, the more prudent course for the Administration to follow is to implement the November 21 policy piecemeal without formally promulgating it.

Hitch on Intercampus Transfers

Meanwhile President Hitch is moving ahead with a policy to promote intercampus transfers. On January 2, 1974, the President circulated a draft to the Chancellors reiterating his statement of November 21, 1973 that "an individual's right to appointment is confined to the campus of appointment"

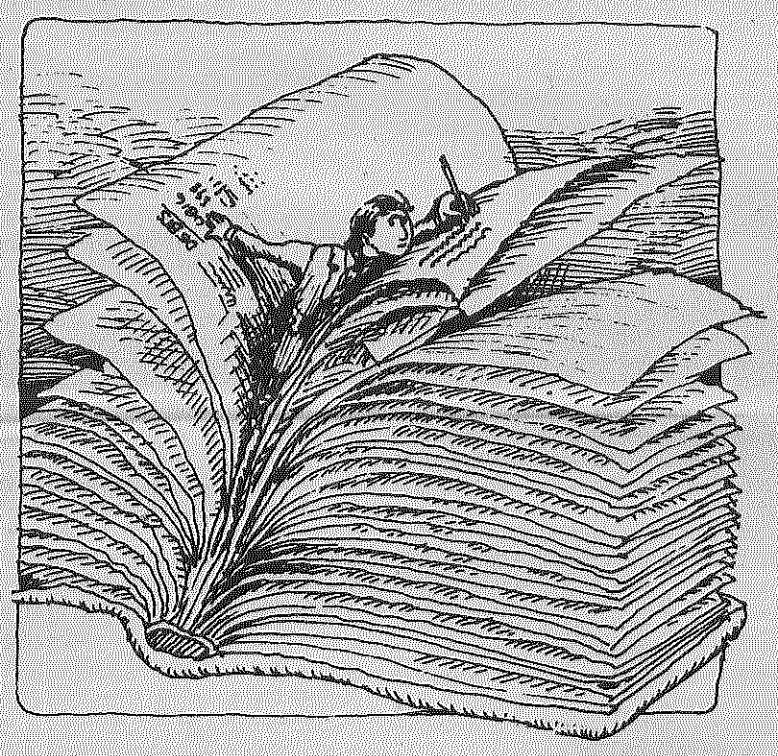
The latest draft asserts that "the size of the University and the diversity of opportunities within it may very likely make it unnecessary for the University to lose the services of a valued faculty members as a result of declining enrollments, financial exigency, or change in academic program." The clear implication of this statement is that tenured faculty can, in fact, be fired for changes in academic program within a campus that is not otherwise experiencing an overall decline in enrollment.

Ordinary permanent intercampus transfers, the draft states, would be carried out under existing policies but where permanent transfers occur because a campus has been forced to reduce its faculty, "the President's Office must be consulted" before any commitments have been made. Ordinarily the vacated FTE and support funds will revert to a pool in the President's office for reallocation, with some or all of these withdrawn resources going to the campus receiving the person transferred, but not necessarily. The pool could be used to facilitate intercampus transfers.

A Vague Policy

The President also will encourage temporary intercampus transfers — ordinarily for one year — "when they are of benefit to the University." The faculty member's FTE and salary would be temporarily withdrawn from the original campus and placed in a pool under the President's control, but "there must be a clear understanding and agreement between the campus and the Office of the President to assure the ability to provide for the individual's return to the original campus at the end of the period of temporary transfer."

The President suggests a number of situations where temporary intercampus transfers might be helpful, such as "the case of a faculty member who might otherwise have to be released from the University for programmatic or fiscal reasons." In that case "it may be possible to delay such release for at least a year and improve the individual's options by arrangement for a temporary appointment on another campus."



What Every Assistant Professor Should Know

Many junior faculty are not regularly informed by department chairmen of the procedures or time schedule to be followed in making tenure recommendations at the departmental level. In some cases assistant professors have not had a clear idea of when they are subject to an appraisal (the pre-tenure review) or to a tenure decision, especially in cases involving complicated employment histories within the University, such as employment as lecturers, instructors, and acting assistant professors, sometimes on another campus.

All assistant professors have the right to know precisely where they stand on the tenure time clock and what sabbatical time they have accrued. They would be well advised to request that department chairmen furnish answers to the following questions:

1. In what quarter of what year (calendar date) will I come up for a tenure decision in the department?

2. Exactly how has my length of service been calculated? (Please include, where relevant, an explanation of the treatment of half-time appointments, appointments shared with other departments or institutes, time "bought" on grants, appointments as lecturer, appointments at other UC campuses, and indicate the source of the policies cited.)

3. In what quarter of what year (calendar date) will I come up for a pre-tenure appraisal?

4. Exactly how are decisions made in the department as to whether or not to recommend an assistant professor for advancement at the time of the pre-tenure appraisal, and at the tenure decision itself?

5. What right do I have to be informed of the identity of the "outside" persons from whom opinions are sought in our evaluation, to be informed of possible charges against me in their letters that may be damaging to my evaluations, and to rebut such charges? What rights do I have to be informed in writing of the precise reasons for a negative departmental and/or review committee recommendation at appraisal or at tenure, if such were to occur?

6. What assurances may be offered in writing that I will not be brought up for an appraisal or tenure decision in advance of the date specified above unless we specifically request it, and that the department will refuse to make a premature evaluation even if the administration requests it?

7. What assurances may be offered in writing that if I meet the high standards of advancement traditionally set by the University, other obstacles to tenure will not be imposed, such as explicit or implicit tenure quotas, departmental budget cuts, or other considerations?

8. Exactly how much sabbatical time will I have accumulated by the end of the Spring Quarter, 1974, and how was this calculated (if different from question 2)? What is the procedure to be followed in requesting sabbatical time?

V.P. Taylor Defends High Salaries for Administrator

Responding to reports in the October 1974 UNIVERSITY GUARDIAN that UC administrators had received pay increases far in excess of the 5.4% faculty received in 1973-74, Vice President for Academic Affairs Angus E. Taylor and Personnel Director Morley Walker told THE DAILY CALIFORNIAN (October 18, 1973) that administrative pay hikes were necessary to keep salaries of top management competitive with those of other leading universities.

"You can explain it this way," said Walker. "In previous years, the faculty has moved up (in pay), but now their peer institutions don't call for as much money as the administrators." UC administrative salaries are compared to those at 1,000 other institutions in a survey conducted by the College and University Personnel Association and Booz, Allen and Hamilton, Consultants.

Vice President Taylor scoffed at AFT charges that administrative pay increases were excessive. "You create a little discontent," he said, "by making people envious of each other, that's what's going on."

AFT Uncovers Secret UC Policy on Tenure

On March 21, 1962, at the executive session of the UC Regents' Committee on Educational Policy at which President Clark Kerr and the General Counsel discussed the distinction between tenure and lectureships "with security of employment," the Regents were informed that "tenure" differs from security of employment in that "an individual carrying security of employment need not be retained by the University should his position be abolished."

This statement appears as part of discussions which took place when the Regents extended security of employment to certain categories of lecturers.

Spencer C. Olin, UC-AFT President, pointed out that the Regents' minutes conflict with the June 1973 ruling by the General Counsel that tenure is campus-wide and that tenured faculty are subject to dismissal if a position is abolished though suitable positions may exist elsewhere in the University. In addition, Olin said, if the University adheres to a fair application of the 1962 interpretation of the distinction between tenure and security of employment, budgetary and programmatic considerations are not valid grounds for dismissing tenured faculty.

A Serendipity

The AFT had requested the minutes of the March 21, 1962 meeting in November 1973 because information was needed to defend the rights of assistant professors. The University supplied the information on January 31, 1974 after the Regents voted to release the information at their January 17, 1974 meeting.

Spencer Olin said "It is shocking the the vital information defining the rights of tenured and non-tenured faculty are ordinarily kept secret from the faculty and that the AFT discovered this Regental interpretation of security of employment inadvertently while defending the rights of a junior faculty member."

Such secrecy, Olin claimed, violated the freedom of information statute which requires that all California public agencies open their records, except personnel files.

In releasing the minutes, the Committee on Educational Policy of the UC Regents in January 1974 adopted a resolution which states:

That the Committee on Educational Policy authorize the President to release from confidentiality the portion of the minutes of its March 21, 1962 executive session concerning academic policy on tenure and security of employment and the portion of the minutes of its April 26, 1962 executive session concerning provision for review of Assistant Professors for promotion to tenure; it being understood, however, that the only action pertaining to the matter taken by the Committee at the March 21, 1962 meeting was recommendation of the indicated change in the Standing Orders and that the minutes of that meeting are not to be construed as indicating that a tenure appointment may not be terminated because of financial exigency or changes in academic program.

No Rule of Law

This statement, Professor Olin charged, denying the earlier understanding that tenured faculty are not subject to dismissal because of financial exigency or changes in academic program, is evidence of the duplicity and arbitrariness with which the University of California treats its faculty. "There is no rule of law let alone of fairness at the University of California," Olin claimed, "if the Regents or their representatives in the Administration can violate policies kept secret and then when they are brought to light suddenly reinterpret them any way they wish."

Olin claimed that this is but one example of the difficulty of protecting faculty members in the absence of a collective bargaining agreement that clearly sets forth the rights of the faculty and places limits on Regental authority. "At present, Ilin said, "University rules and regulations are a morass, are ambiguous, contradictory, some kept secret, while others are interpreted arbitrarily, their meaning changing from time to time as it suits the Administration."

Olin also noted that President Hitch's decision to withdraw the November 21, 1973 Statement on Tenure which contemplated dismissing tenured faculty for fiscal or programmatic reasons was a tactical move to appease strong faculty criticism without abandoning the policy laid out there. According to the resolution of the Regents, quoted above, releasing the March 1962 minutes, tenured faculty, like those with security of employment may be dismissed if their positions are abolished.

"With such a duplicitous record," Professor Olin charged, "I expect that the Courts will find that the University of California Personnel Policy does not accord employees the elementary rights to due process to which they are entitled."

Campuses Ponder Teacher Evaluation

by DONALD ARNSTINE
UC DAVIS, EDUCATION

Shall the quality of instruction be judged on university campuses? In the past several months an affirmative answer has been taking shape. It is not yet so clear who should make the evaluations, how they should be undertaken, or for what the evaluations should be used. But one thing is clear: the several UC campuses have submitted plans for spending their share of the governor's million dollar special fund for the improvement of instruction, and about half of this money has been earmarked for the evaluation of instruction.

The evaluation plans submitted by the several campuses show considerable variety. Most of them have been cast in a flexible, open-ended form. The nature of some of these plans will be indicated in the following discussion, but it is first worth noting the significant role played by the UC Student Lobby in supplying the impetus for this planning.

It is students who have the most to gain from greater effectiveness in instruction. For this reason the Student Lobby, acting on behalf of the council of UC student body presidents, suggested an augmentation to the 1973-74 budget for purposes of improving instruction.

Subsequent lobbying efforts eventually added a special fund of $1 million to the UC budget, and the Regents asked that plans be developed for spending the money. Administration, faculty, and student groups responded with a proposal to allocate funds for the improvement of instruction in three different areas: the evaluation of instruction, for which roughly half of the special fund was to be spent; the awarding of grants for course planning during the summer; and the development of new courses for entering students.

UC Student Lobby Proposal

During the summer of 1973 the Student Lobby made clear its own position on the evaluation of instruction. In a thoughtful and carefully researched position paper, the Lobby's Judy Barsalou articulated a set of purposes for evaluation.

She observed that evaluation would (1) provide feedback to instructors so that they might improve their teaching; (2) provide information for students so that they might make better selections among courses; and (3) provide information for departmental chairpersons and deans relevant to considerations of retention, promotion, merit increases, and tenure.

The Student Lobby paper also discussed how evaluation might be undertaken. It listed as "indirect" methods five ways of assessing the instructional behavior of faculty, and as a "direct" method, the assessment of student performance. Thus it weighed the advantages and disadvantages of student questionnaires, student responses to open-ended essay questions, ongoing evaluative discussions between students and faculty, evaluation by an instructor's peers, and self-assessment by instructors. The Lobby also proposed that these measures be augmented by efforts more "directly" to evaluate instruction through the measurement of what students had learned in particular courses.

The Student Lobby recognized that to carry out "direct" evaluation, departments might first have to agree on the direction of their several programs, and on the objectives of each course. When course objectives are made explicit enough, then instructors can develop tests to measure whether or not students have achieved those objectives.

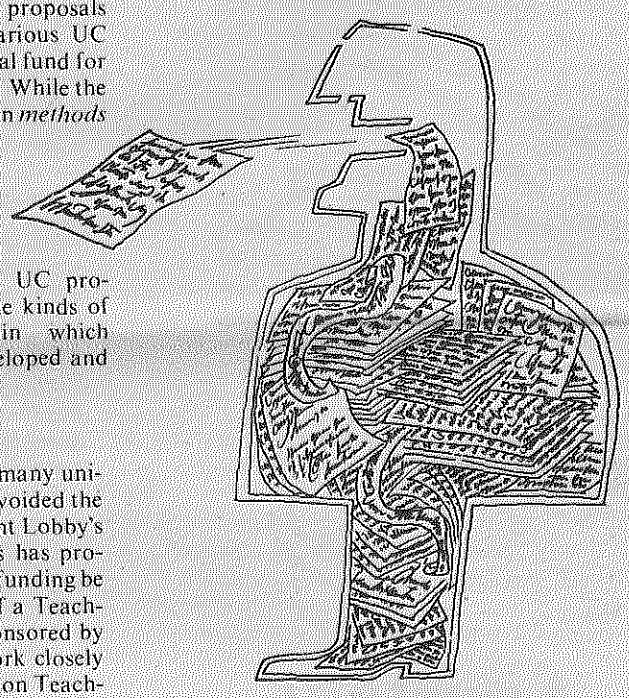
A Stull Act for UC?

Public school teachers in California, in conformity with the notorious Stull Act, have already been required to engage in the detailed listing of "behavioral objectives" for their courses, and in the construction of tests keyed to those objectives. The net result thus far has been an enormous commitment of teachers' time, an overload on ditto machines throughout the state, and a lot of "teaching to the test" as a guarantee of survival. There has also been widespread resentment on the part of teachers, and the AFT has spoken out sharply in criticism of the Stull Act (see Raoul Teilhet's "California's Giant Hoax" in the April, 1973, *American Teacher).*

On the grounds that the quality of instruction is just as important at the university as it is in the lower schools, the legislature could easily be persuaded to impose another version of the Stull Act aimed at higher education. At the present time, the Student Lobby is only suggesting that such "direct" evaluation be considered, but the faculty may eventually have to take a position on the matter.

To acquiesce in such evaluation might well be to equate university instruction with the most explicit sorts of vocational skill training. To oppose such evaluation would be to suggest that university instruction focuses on educational values that are absent in elementary and secondary education. Faculty members who find both these positions untenable may find themselves joining public school teachers in opposing the Stull Act itself, as well as any possible extensions of it.

There is great diversity in the proposals that have originated at the various UC campuses for spending the special fund for the improvement of instruction. While the Student Lobby tended to focus on *methods* of evaluating instruction, the UC proposals tend to elaborate on the kinds of *institutional structures* within which evaluation plans might be developed and carried out.



Varied Campus Plans

In the light of this approach, many university campus proposals have avoided the tough issues raised in the Student Lobby's paper. For example, UC Davis has proposed that half of its share of the funding be invested in the establishment of a Teaching Resources Center, to be sponsored by the Academic Senate and to work closely with a campus-wide Committee on Teaching.

The proposed tasks of the Center would be of a service and advisory sort. It would help construct student questionnaires and help devise methods of measuring student learning. It would develop a list of faculty members able to offer advice on teaching techniques, and a library of resources on techniques and on evaluation of instruction. Finally, it would sponsor and organize teaching seminars and workshops, and it would actively contact departments and individuals who might utilize its services.

Thus the institutional proposal of the Davis campus mentions a variety of possible services without a commitment about who in fact will participate or what the consequences might be for faculty members. If such a proposal appears inconclusive from one point of view, it incorporates some highly desirable flexibility from another viewpoint. If the proposal had taken a stand on any of the sorts of issues raised by the Student Lobby, it would likely encounter much faculty resistance later on. In its present form, the open-endedness of the Davis proposal leaves room for decision-making by those who might eventually participate in the Center.

In contrast to proposals like those from Davis are the plans submitted by campuses which had already undertaken well-articulated programs for the evaluation of instruction. In these instances, proposals often focus on the use of funds to expand ongoing programs. Exemplary of this type of proposal is UC San Diego's, which plans to expand a currently operating, student-initiated program of evaluating courses and professors, and to coordinate existing departmental evaluations.

The San Diego campus also proposes to use a substantial share of its funds to more firmly establish its highly innovative Adaptive Learning Program which has been operating for two years. This program utilizes students who are enabled to function both as tutors and as course consultants. Selected students who had previously performed well in certain mathematics and science courses take a course in learning theory and subsequently tutor students enrolled in the same math and science courses that they had taken. They also attend classes in those courses and keep a log on the instructors' effectiveness.

A faculty member who coordinates the work of the tutors then conveys the content of the logs to the instructors of the courses. In this way the tutors are able not only to help individual student tutees, but to contribute to the evaluation and improvement of instruction as well. Tutors in this program receive a stipend for their work, and UC San Diego proposes to use a part of its share of the special fund to broaden the program by training and using more tutors.

The Berkeley Program

UC Berkeley, like San Diego, has for nearly two years been operating a pilot program for the improvement of instruction. The program is called Teaching Innovation and Evaluation Services, and the Berkeley plan calls for allocating a portion of its special fund to the maintenance and expansion of these services.

Berkeley also proposes to distribute its share of the funding to partial support of a student guide to courses and instructors, evaluative assistance to departments, the videotaping of teaching assistants and the analysis of their teaching methods, consultation services to faculty, and short-notice faculty proposals for instructional innovations.

The proposal submitted by UCLA earmarks a little less than half of its allotment of the special fund to the evaluation of instruction. The major thrust of its evaluative effort will be to maintain and expand its campus-wide office for the development and operation of instructional evaluation programs.

Operating since the fall of 1972, this office has utilized student questionnaires and computerization to evaluate every course and every instructor each quarter. Additional funds are intended to support a systematic evaluation of this evaluation procedure, in order to explore the question of what kinds of information are worth getting.

UCLA has proposed spending more than half of its share of the special fund on a wide variety of projects aimed at improving instruction. These projects range from the redesign of lower division laboratory courses in the physical sciences, to a joint student-faculty operated instructional improvement center, to the development of an integrated lower division curriculum that might serve as an alternative to lower division breadth requirements.

The UC Santa Barbara proposal develops a rationale for evaluation which coincides with that of the Student Lobby's. It then organizes its proposals for evaluation into six separate phases or dimensions. First, it proposes to hire an Evaluation Specialist who would help in a technical capacity with all other aspects of evaluation plans and procedures. It would then set aside funds for up to ten pilot studies in evaluation, to be solicited from and submitted by individual faculty members throughout the campus.

UCSB would fund the continued use of a previously developed evaluation form, and it would help support a student-run publication of course evaluations. Finally, it would sponsor a workshop dealing with teaching techniques, and it would set aside small Special Instructional Grants to assist instructors with the solution of minor teaching problems that are identified as a result of evaluative activities.

Faculty Promotions

Like other UC proposals, Santa Barbara's makes no commitment respecting the scope and seriousness of their evaluations as they may bear upon the occupational security and advancement of faculty members. It is also worth noting that apparently none of the UC campuses plan to make extensive use in their evaluation plans of local faculty in Departments and Schools of Education.

This may indicate an oversight on the part of the planners, or it may indicate a lack of confidence in the Education faculties, even though the latter are professionally concerned with the evaluation of instruction. It would of course be unfortunate if a substantial proportion of the million dollar special fund were devoted to the rediscovery of the wheel.

The intent of this discussion has not been to describe exhaustively all the proposals submitted by UC campuses, but rather to suggest the flavor and diversity of the proposals. The UC faculty as a whole, might well ponder one of the stronger affirmations of Santa Barbara's proposal. UCSB "will not under any circumstances compel any faculty member or student to take part in any evaluation exercise," and evaluation instruments that are developed are intended "for use by the faculty members on an entirely voluntary basis . . ."

This point of view, stated explicitly by UCSB, seems to have been at least implicitly adopted by most of the campuses. For the moment, such a policy may reduce the threat implicit in the idea of evaluation, but if the UC faculty does not raise some questions about this policy, the public sooner or later might.

If instruction is an important part of faculty responsibilities, why is its evaluation considered a voluntary matter? The Stull Act demands that all public school teachers be evaluated, and people employed in other kinds of jobs expect their advancement and security to be affected by evaluations of their performance.

The UC faculty usually continues to assert its alleged right and obligations to evaluate the performance of its students. In the light of all this, it seems highly unusual to let the evaluation of instruction at the university remain on a voluntary basis. Yet as long as it remains voluntary, the policy of taking into account instructional competence in considerations of promotion and tenure remains an erratically applied, hence inconsistent and unfair policy.

Berkeley Senate Backs Platt

Faculty concern over the Platt Case has moved to the Representative Assembly of the Berkeley Division. At the January 21 meeting, two resolutions overwhelmingly passed after a full debate, reflected growing faculty opinion that the grievances of Professor Anthony Platt must be remedied. The motions were presented by Professor Martin Trow, Professor of Public Policy and Chairman of the Policy Committee.

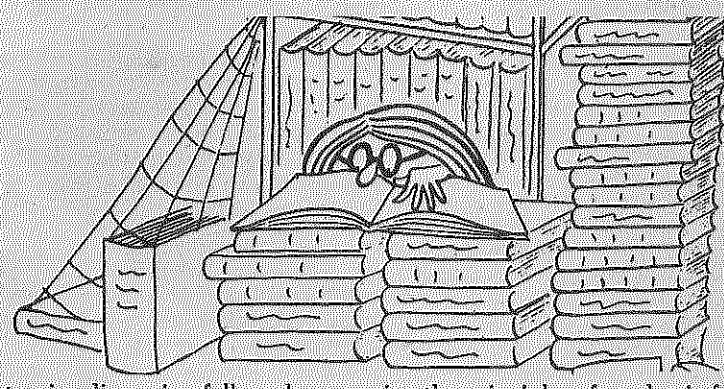
The first requested the Committee on Privilege and Tenure, which had previously suggested the non-remedy of beginning the entire process anew, "to review its recommendations." The new recommendation by P&T is to be cognizant of the refusal of the School of Criminology to reconsider its earlier positive recommendation. Moreover, P&T is to be guided by the reports and recommendations regarding violations in the Platt Case forthcoming from the Committee on Academic Freedom at the next meeting of the Representative Assembly. That motion passed 72-3.

The second resolution from Policy was directed towards establishing "a general policy on cases in which violations of academic freedom and/or faculty privilege occur in the course of decisions affecting a faculty member's academic status."

It was recommended that it be the policy of the Berkeley Division "that in the absence of compelling reasons to the contrary, such serious violations be corrected at the point at which they occur and in such a manner as to preclude the compounding of the risks to the aggrieved individual's academic status." This second motion passes 59-26.

The next action will be the report of the Academic Freedom Committee to the Representative Assembly on March 18. The committee in its March 1 report found that Platt's academic freedom was "gravely violated" when he was denied tenure.

The following is from the January 21, 1974 minutes of the Berkeley Representative Assembly:



Professor Trow, Chairman, presented the report of the Committee on Senate Policy (distributed to members of the Representative Assembly prior to the meeting) as follows:

"In mid-1972 Professor Anthony Platt of the School of Criminology filed a complaint with the Committee on Privilege and Tenure, alleging violations of his academic privilege by both Chancellors Heyns and Bowker in connection with his promotion to tenured rank. The Committee on Privilege and Tenure reviewed the case and submitted its report and recommendations in October, 1973.

"In the ordinary course, this Division would have no further role in the case. There is no provision in the by-laws of the Division for an appeal from the findings and recommendations of the Committee on Privilege and Tenure. More substantially, P&T comes to its conclusions on the basis of hearings and documents which can hardly be reviewed at a Senate meeting, and which are in part privileged and confidential. Moreover, the faculty has always been reluctant, for good reasons, to discuss individual personnel matters on the floor of the Senate.

"The Policy Committee is departing from ordinary practice in the present case, and is bringing the matter to the Division today for two reasons. First, the recommendation of the Committee on Privilege and Tenure, signed by four of its five members, was that a new full assessment of Professor Platt's capacities as a scholar now be undertaken. It is clear that the assessment called for envisions another review by the School of Criminology, as well as a new ad hoc committee and review by the Budget Committee. Dean Messinger has, however, informed us that 'The tenured faculty of the School is deeply concerned about both the appropriateness of such a review as a remedy and the possibility of carrying it out fairly under existing conditions. This faculty unanimously believes that important questions of academic freedom and conflict of interest are raised by Chancellor Bowker's request [for a new review] and that these questions should be resolved by the Academic Senate, following consultation with appropriate committees before it takes any action.' Whatever the merits of that position, it clearly makes it impossible for the recommendation of the Committee on Privilege and Tenure to be implemented until the appropriate bodies have acted.

"Secondly, Privilege and Tenure, in its findings, raises the question of possible violations of academic freedom. This, as a number of Senate members have noted, goes beyond the present case to somewhat larger issues which Privilege and Tenure could not examine. The Policy Committee has therefore requested the Senate Committee on Academic Freedom to review the facts in this case for their implications both for academic freedom and for the procedures at Berkeley that protect academic freedom. We have requested an early report from the Division's Committee on Academic Freedom on this matter. In our view, the findings of the Committee on Academic Freedom may have some bearing on the disposition of the present case.

"In light of these considerations, therefore, the Policy Committee is introducing a resolution embodying the sense of the Division, requesting the Committee on Privilege and Tenure to review its recommendations in the case of Professor Platt, in light both of the position taken by the School of Criminology regarding a fresh review, and also of the findings and recommendations of the Committee on Academic Freedom regarding the possible implications of this case for our procedures for safeguarding academic freedom on this campus.

"This resolution is framed as a request to Privilege and Tenure, since P&T does not make its recommendations to the Senate, but directly to the Chancellor. In this respect, it is like the Budget Committee and the Committee on Educational Policy, rather than like other standing Senate committees. Nevertheless, the faculty has an interest in the issues of this case that transcend the case itself, and we would hope that P&T would recognize and respond to that interest.

"Secondly, it should be clear that we are not requesting P&T to undertake a fresh review of the facts in this case. For one thing, there is no reason to believe that the essential facts are in dispute. But in addition, we are clear that P&T's findings of the facts really must be final, and not subject to review by this or any other body in the University.

"Our first resolution is as follows:

Resolve: That it is the sense of this Assembly to request the Divisional Committee on Privilege and Tenure to review its recommendations, as reported in its statement of 25 October 1973, on the matter of Professor Anthony Platt, in light of the position of the School of Criminology with regard to those recommendations and also in the light of the forthcoming report and recommendations of the Committee on Academic Freedom insofar as they bear on this case."

An extensive discussion followed concerning the principles of academic freedom and the responsibility of the Division to ensure the protection of those principles. Among those who participated were Professors Kasten, Feller, Maisel, Raleigh, Silver, Helmholz, Schwartz, Dillon, Herr and Alpers. Thereafter, a motion to terminate debate was seconded and carried.

The Assembly approved the resolution by a vote of 72–3.

Professor Trow then presented the second part of the Committee's report:

"In the course of our consideration of this case, and of P&T's recommendations on it, we have become aware that the Senate has not established a general policy on cases in which violations of academic freedom and/or faculty privilege occur in the course of decisions affecting a faculty member's academic status. Basically, the policy issue centers on this question: If serious violations of academic freedom or privilege occur in connection with a promotion decision, and that of course is a finding of fact, should they be corrected by a full-fledged review of the case, or at the point at which they occurred? Our resolution on this question is as follows:

Whereas the recent report of the Privilege and Tenure Committee highlights the complex problems that might arise should serious violations of academic freedom and/or faculty privilege become intertwined with decisions affecting a faculty member's academic status, and

Whereas the Berkeley Division has heretofore failed to instruct its committees and inform the administration as to its policy in such cases,

Be it resolved that it is the policy of this body that in the absence of compelling reasons to the contrary, such serious violations be corrected at the point at which they occur and in such a manner as to preclude the compounding of the risks to the aggrieved individual's academic status."

Professor Trow stated further that:

"It should be clear that we are not here speaking to the facts in the Platt case. This resolution aims to provide a framework of policy to guide the Division and its committees' actions in future cases. If this resolution is accepted by the Division, and if P&T accepts our request for a review of its recommendations in the Platt case, we hope their review will be made in light of this statement of Senate policy as well as of the findings of the Academic Freedom Committee."

A discussion followed in which Professor Henkin spoke of the complexities of various situations that might arise by adopting this resolution and expressed the opinion that the resolution was not an adequate basis for this body to reach a decision that could be applicable in a variety of cases. He moved that the resolution be referred to the Committee on Academic Freedom and that the Committee present its recommendations before the Assembly votes on the matter. His motion was seconded.

Professor Hodges moved to amend by the addition of the Committee on Privilege and Tenure to the referral and his motion was seconded.

Professor H. K. Schachman noted that the Committee on Privilege and Tenure is an adjudicating body, while the Committee on Academic Freedom deals with policy matters; he urged the amendment be defeated. Thereafter, Professor Hodges and his second withdrew the amendment in favor of one proposed by Professor Feller to add "in consultation with the Committee on Privilege and Tenure," and this motion was seconded.

The amendment to Professor Henkin's motion for referral was put to vote and passed. However, the motion to refer failed to carry by a vote of 56–35.

Consideration of the main motion was then resumed. Professor Trow clarified several additional points, noting that this was not legislation but a recommendation to guide committees of the Division in future cases.

Thereafter, the vote on the resolution was put and passed: 59 yes; 26 no.

Rising Tuition Will Close College Doors

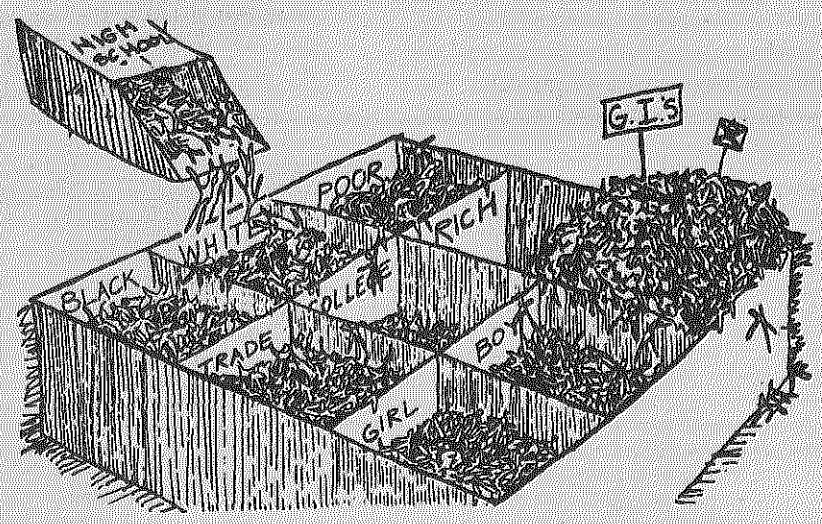
The doubling of tuition at public colleges and universities was proposed by the Committee on Economic Development in a report entitled "The Management and Financing of Colleges" issued in September 1973. The influential business-oriented research group joined the Carnegie Commission on Higher Education and the College Entrance Examination Board in calling for higher tuition in public higher education.

These groups want to raise tuition to bring the costs of attending public institutions up to or near the costs of private schools. The proposals are coupled with a call for increase in student aid to those from low income families and a loan program for middle income students. These are in line with the Nixon Administration's policy on direct aid to students and less to institutions.

The national AFL-CIO has been increasingly concerned over these moves to increase the shift of the costs of education on to the backs of working people. Discounting the proposals for loan programs and greater aid to poor students, the AFL-CIO charged that the net effect will be to limit access to higher education. Joining in the criticism of higher tuition, the American Association of State Colleges and Universities called CED report the "views of a few multi-billion dollar corporations and affluent private universities."

The UNIVERSITY GUARDIAN is printing the AFL-CIO statement and a recent article from the NEW YORK TIMES, criticizing the higher education proposals.

We believe there is a major effort, spearheaded by the Carnegie Commission, to limit enrollment in higher education. If successful, not only will teaching opportunities be curtailed but affirmative action will be made more difficult and the pressures to establish tenure quotas strengthened. At stake is nothing less than a massive move to limit educational opportunities through the marketplace mechanism. — Editor.



Report on Higher Education of the Committee for Economic Development

An AFL-CIO Department of Education
Summary Analysis
October 2, 1973

The recommendations of the Committee for Economic Development on the management and financing of colleges add up to a plan which would shatter the educational hopes of workers and their families. Workers have generally come to expect that their sons and daughters will continue their education beyond high school. The CED recommendation would price higher education beyond their reach.

Under the CED proposals tuition in publicly controlled colleges and universities would be more than doubled and in two-year colleges it would be increased nearly 400%. Adding the costs of board and room, even without any increases in those charges, would mean that the cost of public higher education would be $2,000 a year or $8,000 for a four year college education. Altogether at least $1.7 billion in college costs would be shifted over to the students.

The CED argues that students should pay a larger part of the cost of higher education than they do now because the individual and society both benefit from higher education. This is of course true, but it is equally true of all education. The individual benefits if he learns to read and he benefits if he graduates from high school.

There is no more valid reason for shifting the financial burden of higher education to the student than there would be for shifting the financial burden of elementary and secondary education to the students and their immediate families. Education is not something like automobiles which are paid for by the immediate consumer. If students earn more money as a result of their education, the graduated income tax is the appropriate way in which society can share in the benefits.

To sweeten the burden of their proposed tuition increases, the CED proposed a system of grants to students based upon their family income. Under the proposal, students from the poorest families would receive grants of as much as $1,350. But for all students from families with an income of $8,000 or more, the tuition increases would exceed the grants. For families with $10,000 income the increases would substantially exceed the grants, and for a family in which both the husband and wife worked and earned $6,000 apiece there would be no grant at all.

With little sense of political reality, the CED proposes to fund the grant program largely through the federal government. It is quite certain that the CED report will encourage state legislatures to increase tuition more than it will encourage the present Administration, which consistently places a low priority upon education, to increase student aid programs.

For those students who are not poor enough to benefit substantially from the grant program, the CED would suggest loans. We do not believe that the price of higher education should be starting life under a mountain of debt. Experience shows that educational loans have been very difficult to obtain, but even if they are available, the proposed increased costs of higher education and the mounting interest rate would price medium income students out of the higher education market just as medium income families are already being priced out of the housing market.

Among the dissenting opinions filed by members of the CED committee is one by Robert C. Weaver who warns that the proposals could result in "significant changes in the social and economic mix in student bodies." We agree. The wealthy students will be little troubled. The poor may find some relief. The working people of America will carry the greatest burden if they are not priced out of the market altogether.

Class War Over Tuition

By Fred M. Hechinger

Many of the cures currently prescribed for colleges' fiscal troubles threaten to turn higher education into an instigator of class warfare. The irony in this prospect is that for nearly three decades American higher education has been a major force for the eradication of class differences and hostilities. It has notably narrowed the gap, both in aspirations and opportunities, between haves and have-nots, between privileged and underprivileged youths.

Through a dramatic expansion of educational access across class lines, the post-World War II G.I. Bill of Rights set in motion a trend that substantially reduced the risk of class conflict. The subsequent massive expansion of free or low-tuition public campuses signaled what seemed the permanent removal of economic and class barriers from college gates.

Those gains are now in jeopardy. College costs have followed the general inflation. The annual all-inclusive bill for each student now approaches $5,000 at many private universities and $2,000 or $3,000 respectively for state residents and out-of-state students in public institutions.

Yet prestigious national panels of educators, economists and social planners are advocating a policy of charging higher tuition at the public institutions. They argue that the private sector's survival is threatened by competition from low-cost public education; that a greater part of the cost for public higher education ought, for this and other reasons, to be charged to students; that affluent families reap excessive benefits from tax-supported low tuition; and that middle-class students are well able to shoulder a higher tuition burden.

Such contentions perpetuate a popular myth about American society—that the majority of families are affluent and that, except for the aberration of poverty, ours is essentially a classless nation composed, in the main, of one all-inclusive middle class.

That myth bears looking at against the statistical background provided last week by the National Commission on the Financing of Postsecondary Education. The income of families of youths in the 18 to 24-year age group divide as follows: 23 per cent are at poverty level, below $6,000; almost 58 per cent fall into the $6,000 to $15,000 bracket. That leaves fewer than 20 per cent of all families with children of college age at $15,000 and above.

Viewed against such realities, the demand that "the middle class" carry a larger share of the tuition burden appears in a different light. Representative James G. O'Hara, Democrat of Michigan, who has been leading the battle against higher tuition in public institutions, said: "From the point of view of the Detroit auto worker who is making over $12,000 a year now and has to moonlight to make ends meet—from the point of view of the schoolteacher or the cop or the accountant or the salesman who has seen meat priced out of his life-style t doesn't make sense blithely to suggest that he ought to be forced to pay more of the money he doesn't have to send his kids to college—in the name of removing financial barriers."

While such hardship pleas have less force for the 6.5 per cent of families with college-age children in the over-$25,000 bracket and even for most of the 12.7 per cent in the $15,000-to-$25,000 group, the charge that they are getting a free ride should be measured against the fact that these families also pay higher taxes to support public campuses, whether or not their children use them.

The commissions and panels concerned with social and educational policies, though generally liberal and public-spirited, are largely recruited from among the affluent. Their view of the nation as basically one happy, classlessly middle-class family is well-intentioned but misleading. They tend, in the fine tradition of *noblesse oblige*, to react responsibly and sympathetically toward the poor. All their proposals include generous, and entirely necessary, provisions for free education and subsidies at the poverty level.

What makes their proposals vulnerable seems an inadequate understanding of the thin line that divides much of the working and lower-middle class from the poor. A minor financial disaster can push those on the plus side of the line back into poverty. There is growing concern that higher college tuition could become just such a disaster.

Such a course could have a corroding influence on the already deteriorating relations between the poor and the lower-middle-class. If the children of the former are encouraged to attend college tuition-free or even on a subsistence subsidy—as they ought to be—then hard-pressed middle-class families are likely to react in anger and political vindictiveness.

It is risky to tamper with low-cost higher education which has been a phenomenally successful engine for creation of a harmoniously upward-mobile society. In addition, if the high cost of college-going compels those with limited means to commute to colleges near their homes, simply because they cannot afford room and board in addition to higher tuition, then the residential campuses will quickly turn from melting pots into class-bound, rich ghettos.

To oppose pressures for higher tuition in public colleges is not to abandon the private institutions, whose continued strength is essential to academic diversity and independence. A combination of grants to institutions and scholarships to students can shield these colleges against both runaway tuition inflation and the loss of all but rich students to the low-cost public sector. Such subsidies could keep the college gates and the competition for students wide open, without the threat of institutional and social class warfare.

Fred M. Hechinger is a member of the Editorial Board of The Times.

(Reprinted from the NEW YORK TIMES, February 5, 1974)

Affirmative Action Whitewash

The UC Riverside campus has put out an interim Affirmative Action Report on November 17, 1973, signed by the Chancellor. Our faculty has discovered that it is a pure whitewash of discrimination, no doubt intended to bulwark the University's legal case.

These findings may be of interest to other campuses because we suspect the same procedures were used on all campuses. Our administration claims they will "improve" the report before it is finally released; we hope so. Here are the details:

On its opening page, the Report concludes that there is no discrimination at UCR at all! Specifically, it finds that there is no "underutilization" of either minorities or women for the campus as a whole. It admits only that our units (mostly Colleges) underutilize women, while two units apparently overutilize women. No units underutilize minorities according to the Report. How does the Report reach these astounding conclusions?

Manipulating Data

In the first place, the faculty data are manipulated (and I was informed that all of the data came from Vice-President Taylor's office). All lecturers and instructors and all other ranks are tossed together in one pot; there is no distinction by rank even though we know that most women and minorities are concentrated in the very lowest ranks.

The UCR Educational Policy Committee also noted that the data have a large number of mistakes, and very arbitrary allocations of joint appointments. Most of these mistakes seem to be such as to help disguise discrimination.

In the second place, and more important, the Affirmative Action goals of UCR are ridiculous. As a long-run goal, one might expect to work to have minorities and women in the same proportions as in the population. That goal was never even considered.

Next, one might expect at the very least to have the goal be the percentages of available minorities and women in the national pool of those qualified. This would imply a goal somewhere between the percentage of MAs and the percentage of Ph.D.s, certainly at least the percentage of Ph.D.s. This was not done.

For example, women hold about 14.5% of the annual Ph.D.s, but UCR says we comply with only about 9% women faculty (including lecturers, instructors, etc.). In fact, the goal of those qualified to be at UC was not chosen, thus violating even the guidlines originally adopted by UCR itself.

The Educational Policy Committee pointed out that the goals set by the administration "are not in conformity with those of the Affirmative Action Program of May 18, 1973 which states that the percentage of minorities and women employees must be the same as the percentage of those available nationally who are qualified to hold such positions . . ."

What is the Goal?

If the goal is not the percentage in the population, nor the percentage qualified, what is the goal? The goal is the percentage of faculty now teaching at similar institutions.

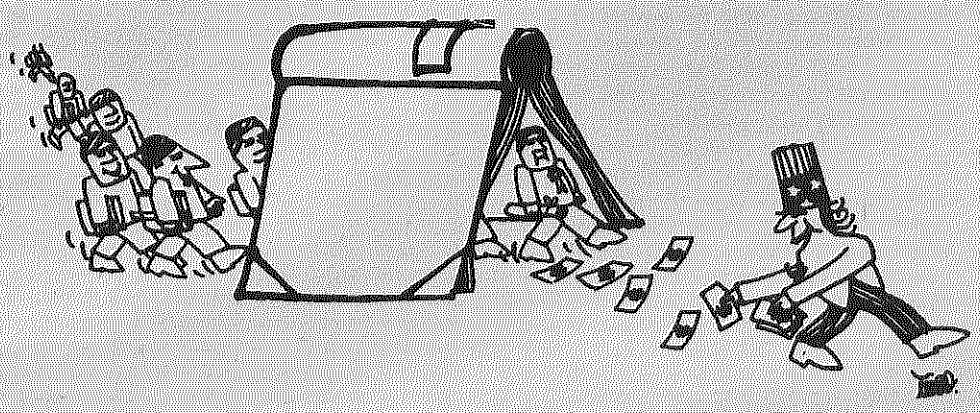
As interpreted by Vice-President Taylor's office — which set the goals — this does *not* mean the percentage at all colleges and universities. For example, that percentage for women is about 18% in the 1970 data. Rather, the UCR goal is set much lower by comparing it *only* with those universities in its "category."

The data is taken from a Carnegie report on 1969 faculty ratios by race and sex. It divides all colleges and Universities into four categories, and UCR is compared with the second highest category. In that category, the percentage of women faculty is less than ten percent, and the percentage of minority faculty is far less.

In other words, UCR comes out smelling as a rose only by comparison with the other elite Universities. If all of them employed only 1% women and 1% minorities, but they all discriminated to the exact same degree, then this method would declare that none of them discriminated. The Report only shows that UCR does not discriminate worse than the others in the status quo.

Our Educational Policy Committee said: "The Committee concludes that the Report violates the spirit of Affirmative Action by merely justifying the present situation." The Committee's resolution was unanimously endorsed by the Advisory Committee of the UCR Division of the Academic Senate; and it was placed on file and received by the whole Division with no objection. We are still waiting to see what the administration will do.

Professor Howard Sherman,
UCR Economics
President, Local 1966



Why Faculty Joins AFT

On November 18, 1973, *The Los Angeles Times* reported that the American Federation of Teachers at the University of California, Irvine, with over 140 members, is the largest faculty organization on that campus. *The Times* interviewed UCI faculty to find out why.

Helen Weil, a lecturer, fled Russia in 1941 and arrived in the United States in 1950, leaving behind a "displaced persons" camp in Bavaria, Germany. Ms. Weil is now working on a complete revamping of Russian language instruction at Irvine, after spending eight years at UC San Diego where she taught Russian Literature.

Ms. Weil explains that she joined the AFT "to protect the interests of education, which is the same as saying the interests of the future." She first came to California thinking that "it was very progressive in education" but in recent years she sees "anti-intellectual tendencies which have changed the total picture."

She joined the union to advance the interests of education and at the same time protect her own interests on the job. "I'm not very good at protecting my own interests," she says, "I don't want to be bothered: I have too many things to do in my teaching . . . I want to be represented by an organization that seeks what is fair for my kind of competence."

Twenty eight year old Aliko Songolo joined the UCI faculty in the Fall of 1973 as an Acting Assistant Professor of French. He expects this year to finish his doctoral dissertation, a study of the Black poet Aime Cesaire. Cesaire, who began writing poetry in the 1920s, is a native of Martinique and his poetry is infused with anti-colonialism and a desire to reconstruct modern Black literature.

Songolo first came to the United States as a foreign exchange student to attend high school and later returned for college. His native land is Zaire, formerly the Belgian Congo.

Songolo believes that "professional people do need some kind of togetherness to fight for what it is they want. It seems that in academic circles that everyone fights for himself, and when he reaches an obstacle he is all alone. But if there is the togetherness of a union, then there will be other people to help fight." While he rates higher salaries as an important reason for joining the AFT, Songolo regards job security as the top priority.

Leslie Rabine came to UCI in the Fall of 1973 after completing her doctorate at Stanford. Ms. Rabine is an Assistant Professor of French and Italian. Her dissertation was a study of "Women in the Industrial Revolution," an historical and literary examination to women in twentieth century France.

"To me collective bargaining represents job security," Ms. Rabine asserted. It would give professors some of the same security enjoyed by other workers represented by a union, she believes.

Professors must have job security, she says, if they are to have the "freedom to teach according to your best sights, rather than what someone else believes is the best way." Ms. Rabine adds; "somebody has to take care of professors," and that's the job of a professor's union.

Dave McDonald is an Assistant Professor teaching drama while working on a book that explores the development of drama from historical and philosophical perspectives.

McDonald is the son of David J. McDonald, President of the United Steelworkers of America from 1953-1965. He thinks the union is necessary to protect the faculty's bread-and-butter interests but he, too, gives top priority to protecting job security.

"There's a certain amount of insecurity today because the competition for jobs is so exceedingly high . . . Ten years ago it would have been a lot easier to keep a job in the University, but there's no question that three are a lot of Ph.D.s running around, and there are not many job openings."

UNIVERSITY GUARDIAN

Official newspaper of the University Council — American Federation of Teachers, UC-AFT is affiliated with the American Federation of Teachers, AFL-CIO and the California Federation of Teachers, AFL-CIO.

Published during the academic year by the UC-AFT, 2527 Dwight Way, Berkeley, Ca. 94704, (415) 841-1750.

Spencer C. Olin (History, UCI)..... President
Paul Goodman (History, UCD).....Northern Vice-President
Kaul Hufbauer (History, UCI) .....Southern Vice-President
David Matza (Sociology, UCB)..... Secretary
Margo Sasse (Library, UCSD)..... Treasurer
Sam Bottone.....Executive Secretary
David Matza.....Editor

UC-AFT is a council of AFT locals representing faculty and academic employees at the University of California: Local 1474 / Berkeley; Local 1795 / Berkeley and S.F. librarians; Local 1966 / Riverside; Local 1990, UCLA; Local 2023 / Davis; Local 2034 / San Diego; Local 2141 / Santa Barbara; Local 2199 / Santa Cruz; Local 2226 / Irvine

Union Women Confab Plans National Group

The first national conference of union women will be held on March 23 and 24 in Chicago. An outgrowth of regional conferences held in the East and Midwest over the last several months, the national conference is intended to be a first step in the formation of a national organization of women unionists, with regional and local chapters.

A major emphasis of the conference, according to spokeswoman Edith Van Horn of the international staff of the United Auto Workers, will be organizing the unorganized.

According to the Statement of Purpose issued by the planning committee, the Conference will "bring together women trade union members to deal with our special concerns as unionists and women in the labor force .

"In an inter-union framework, the Conference would consider positive action in the areas of equal pay, equal rights and equal opportunity . . . education about women's legal rights, adequate maternity benefits and child care, equitable hiring and promotion practices, adequate minimum wage, up-grading and affirmative action . . . and involving more women in union structures and policy making decisions."

Any women who send an application in advance and who appear at the Conference with union credentials (membership card or bona fide letter) may attend with full speaking and voting rights. Anne Lipow of AFT Local 1795 (Librarians, UCB) was elected by the University Council-AFT to represent the Council.

Application must be made in advance, enclosing the $12.00 registration fee, and should include applicant's name, full home address, phone number, and union affiliation. These must be sent to:

Addie Wyatt, Chairwoman
Coalition of Labor Union Women
c/o Amalgamated Meatcutters Union
4359 South Wabash
Chicago, Illinois 60615

Lecturer Denied Tenure Praised

The following item appeared in *The Monday Paper*, published by the UCB Office of Information, January 7, 1974.

"Dr. Martha Maxwell has been named permanent Director of the Learning Center she has headed on an acting basis since July 1.

"In recommending her for the post, the screening committee said Dr. Maxwell is 'one of the most experienced professionals nationally in the area of reading and study skills development.'

"Previously Director for five years of the Study Skills unit in Berkeley's Counseling Center, Dr. Maxwell served in a similar capacity at the University of Maryland for 16 years and also has extensive teaching experience. At Berkeley she is a lecturer in the School of Education in addition to her Learning Center work.

"Dr. Maxwell was one of 41 applicants for the post."

Dr. Maxwell was one of the group of faculty women who filled the suit in 1971 charging sex discrimination at Berkeley. She left an associate professor position at the University of Maryland upon the promise of a tenure appointment at Berkeley in 1968. However, she was only given a visiting appointment and then a lectureship despite her outstanding qualifications.

Merit Promotion Suit

(Continued from Page 1)

policies and due process for faculty members.

"In our view, the faculty should not be stampeded by politically-inspired steady state mentality to erode a policy of fair and reasonably applied merit criteria which has been traditional at UC.

"Section 52 should no longer be viewed," Olin pointed out, "as an issue only affecting promotion policy for assistant professors. During the past year, President Hitch has announced that he may use the criteria of programmatic and budgetary considerations introduced in Section 52 to fire tenured faculty."

The central issue in the AFT suit, known as *Lipow vs. The Regents of the University of California*, is whether UC met and conferred with the AFT, before the revised Section 52 was issued. Under California law, public employers are required to meet and confer with union representatives concerning matters affecting working conditions.

The Revolving Door

UC's intention to revise Section 52 was first announced by President Hitch in a directive on July 9, 1970. Subsequently three draft versions were issued. From the beginning the AFT took the initiative in calling the faculty's attention to the implications of the early drafts which subtley introduced the "revolving door" policy.

However, the third version, issued on September 14, 1972, for the first time explicitly stated that assistant professors who otherwise merited promotion could be denied promotion and fired because of "budgetary or programmatic restrictions." As a result, there was widespread criticism of the draft by Senate committees, particularly Privilege and Tenure.

On December 6, 1972, UC-AFT representatives met with J. Dean Swift and Berkeley Provost George Maslach. At the meeting Swift, who was serving as Academic Assistant to Vice President Angus Taylor, told the AFT that the third version was being withdrawn because of the extensive criticism and a fourth draft would be prepared. Instead, on February 1, 1973, President Hitch issued the final revised policy statement.

Good Faith Conferring

When the AFT protested the issuance of the new Section 52, Swift and Maslach denied they ever stated that the third version was being withdrawn. Therefore, the key factual dispute at the trial was whether such a commitment was made by UC representatives. If the court accepts the AFT's account of the meeting, UC will be held to have not met and conferred in good faith.

The AFT account of the December 6 meeting was backed up by Professor Robert Yost of UCLA. During 1972-73, Yost was the Chairperson of the AAUP University of California Council. At the trial he testified that in early January 1973 Professor Swift informed him that Section 52 was being withdrawn.

The other factual dispute at the trial was whether the revised Section 52 introduced substantial changes in UC policy. Vice President Taylor reiterated his assertion that the revised Section 52 merely codified existing UC policies, including the use of programmatic and budgetary considerations as criteria for promotion. Under cross-examination, Taylor had a little difficulty explaining why the budgetary and programmatic criteria did not appear until the third draft version, 2 years after the first draft, if the revised policy was a mere codification of existing policies.

Oral arguments will be presented by AFT attorney, Stewart Weinberg and UC Associate General Counsel Milton Gordon on April 2 before Judge William Blaidsford. It is expected that the judge will hand down a decision in late April or early May.

'You're on the way out? I didn't know you were here'

Hitch Backs Off Gag Rule

(Continued from Page 1)

This have been interpreted by UC Davis administration officials to mean that UC employees cannot lobby on matters such as salary increases.

In a report issued on March 4, 1974 the Academic Freedom Committee of the Davis Division of the Academic Senate also condemned the directive in a detailed review which called for its withdrawal. The Committee found substantial violations of academic freedom and noted that the directive contained vague, imprecise, inconsistent, and confusing language.

The committee, chaired by Professor Joyce Kallgren, pointed to the fundamental inconsistency in both documents. The avowed purpose is to set policy and procedures for University staff communicating with government officials "when staff officially represents the University" and "is directed only to the problems of official representation of the University." But it is pointed out, the main thrust of the directives govern non-official contacts by the staff.

The report concluded that the Davis policy has "many serious transgressions of the legismate academic freedoms of the staff of the University of California, Davis," and recommends that "the regulations be suspended until the issues raised . . . have been appropriately dealt with."

Legislative Reaction

The University rescinded the lobbying ban only after legislators to whom the AFT had written condemned the muzzling of UC employees. Assemblyman John Vasconcellos insisted that the legislature is entitled to obtain adequate information during budget reviews.

Behind the effort by the UCD administration to curb lobbying by UC employees is growing anxiety within the Administration that its ability to serve as the sole spokesman for University employees is being materially challenged by increasing numbers of UC employees dissatsfied with University policy.

Thus, at the last session of the legislature, the American Federation of Teachers, through the efforts of union librarians, succeeded in pushing through a salary inequity bill, that differed from the University's bill. University lobbyist, Jay Michael warned UC librarians who had lined up legislative support in both houses that they had no business in Sacramento.

Morcover, the University is facing a critical and sometimes hostile atmosphere in Sacramento and thinks that it enhances its position in the capitol if it presents a monolithic front to legislators.

Paul Goodman, AFT Northern Vice President, charged that the University is embarked on a disastrous course: "The University has lost influence in Sacramento precisely because it is not open and frank with legislators, it operates in a secretive manner, and has given legislators the impression that it is unwilling to be held accountable for the hundreds of millions of dollars it requests each year."

By attempting to choke off communications by UC employees operating in an unofficial capacity and strictly regulating communications by those acting in an official role, Goodman said, the University compounds its difficulties.

A Double Standard

Goodman pointed out that in October 1971, University Lobbyist, Jay Michael, urged UC faculty to write letters to the legislature on behalf of a faculty pay bill then under consideration. Michael pinpointed the key votes, urged that letters be sent immediately and informed faculty that letters might be written on University stationery and that University titles could be used.

The legislature, Goodman predicted, will not tolerate attempts by UC to restrict its right to receive information from UC employees acting as citizens or representatives of employee organizations.

"It is also questionable," Goodman said, "whether the University is serving either its own interests of those of the public by insisting that it speak with only one voice at legislative hearings when there are serious and important difference of opinion, based on professional judgement, among UC academics on controversial programs for which the University seeks state support."

UC Faculty Hit by Dollar Decline

(Continued from Page 1)

traordinary inflationary situation. But these suggestions were rejected by UC Administration and, apparently, by Sacramento officials too.

Dr. Olin charged that "This is the third year in a row that UC Administration has failed to make a serious effort to halt the erosion of faculty salaries. While Governor Reagan has the major responsibility for the decline in our real earnings, President Hitch has not made the kind of a case that is peeded to justify a larger increase."

The University Council will ask the Legislature to include a cost of living increase in the UC Budget for 1974-75. In addition, the Legislature will be asked to bring UC fringe benefits up to the level of such benefits in other leading universities. UC has fallen so far behind that a 47.3 percent increase in the total cost of the fringe benefit package is needed to achieve comparability.

Librarian Grievance Workshop

A workshop for librarians on grievances and the use of the University of California appeal procedure will be held on March 30, 1974 at UC Davis. It will be conducted by the Institute of Industrial Relations (UCB) in cooperation with the University Council-AFT.

The workshop is being organized at the request of librarians for more information on how a grievance procedure should work and their rights under University policies. Since Section 82 of the Academic Personnel Manual on librarian appointment, promotion and merit increase policies was issued in 1973, numerous problems have developed.

Reigstration will start at 9:30. The program will run from 10:00 a.m. to 4:00 p.m. and will be held at 203 Mark Hall.

There will be no registration fee, and librarians from Davis, Berkeley, San Francisco and Santa Cruz are invited to attend. If interested, write to the UC-AFT office, 2527 Dwight Way, Berkeley 94704 or call (415) 841-1750.

SERIALS DEPARTMENT
UNIVERSITY RESEARCH LIBRARY
UNIVERSITY OF CALIFORNIA
LOS ANGELES, CA 90024

Time Valued Mail

THE UNIVERSITY GUARDIAN
Published by the University Council - American Federation of Teachers, AFL-CIO
2527 Dwight Way
Berkeley, CA 94704 (415) 841-1750
Editor: David Matza
Managing Editor: Sam Bottone

Non Profit Organization
U.S. POSTAGE PAID
BERKELEY, CALIF.
PERMIT No. 1149